



Belarus

Country Reports on Human Rights Practices - [2001](#)

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According to its amended Constitution, Belarus is a republic with a directly elected President. The President, Alexander Lukashenka (elected in 1994), used a November 1996 referendum to amend the 1994 Constitution in order to broaden his powers, extend his term in office, and replace the unicameral Parliament with a handpicked one, ignoring the then-Constitutional Court's ruling that the Constitution could not be amended by referendum. Most members of the international community criticized the flawed referendum and do not recognize the legitimacy of the 1996 Constitution or the bicameral legislature that it introduced. On September 9, Lukashenka renewed his term of office as President through an election process that the Organization for Security and Cooperation in Europe (OSCE) described as neither free nor fair and as having failed to meet OSCE commitments for democratic elections. Parliamentary elections were held in October 2000, the first since the 1996 referendum. The President and his administration manipulated the election process to ensure an absolute minimum of antiregime candidates and opposition members of the Parliament. The OSCE concluded that the elections were neither free nor fair. The judiciary is not independent.

The Committee for State Security (KGB) and the Ministry of Internal Affairs (MVD), both of which report directly to the President, share law enforcement and internal security responsibilities. Under the law, the President has the right to subordinate all security bodies to his personal command. Civilian authorities, apart from the President, do not maintain effective control of the security forces. Under Lukashenka's direction, the Presidential Guard—initially created to protect senior officials—continued to act against the political enemies of the Lukashenka regime with no judicial or legislative oversight. Members of the security forces committed numerous serious human rights abuses.

The country has a population of approximately 10,350,000. The economy remained centrally planned, and is primarily industrial, with industry accounting for approximately half of economic output. Primary industrial products include machine tools, tractors, trucks, and consumer durables. The majority of workers are employed in the state industrial and state agricultural sectors. The authorities claimed that the gross domestic product (GDP) grew by 4 percent, but independent analysts have asserted that all growth was the result of the accumulation of noncompetitive goods in inventories, fueled by continued massive credits to the debt-ridden state sector. Officials claimed that per capita GDP was slightly more than \$2,000 (2.4 million rubles), but little of that growth resulted in real economic gain for the population. In the state sector wages were lower than the national average and wage arrears were chronic. Although the unreliability and unavailability of official statistics makes it difficult to measure macroeconomic conditions, living standards for many segments of society continued to decline. Residents of small towns and rural areas, where incomes are particularly low, sustained themselves through unreported economic activity and subsistence farming.

The regime's human rights record continued to be very poor and worsened in several areas. The authorities continued to limit severely the right of citizens to change their government. In the period prior to the September presidential elections, the regime committed widespread human and civil rights violations, including physical mistreatment of opponents, manipulation of the regime-dominated mass media, intimidation of election observers, and manipulation of the vote count. The authorities did not undertake serious efforts to account for disappearances in previous years of well-known opposition political figures and discounted credible reports during the year regarding the regime's role in those disappearances. Security forces continued to beat political opponents, detainees, and others. There were reports of severe hazing in the military during the year. Prison conditions remained poor. Security forces arbitrarily arrested and detained citizens, and the number of apparently politically motivated detentions greatly increased, although many of those detained were held for brief periods. The security services infringed on citizens' privacy rights and monitored closely the activities of opposition politicians and other segments of the population. Severe restrictions continued on freedom of speech and of the press, and the authorities did not respect freedom of peaceful assembly or association.

During the year, the regime introduced several new decrees further severely restricting these freedoms. The authorities continued to restrict freedom of religion, favoring the Russian Orthodox Church at the expense of the Roman Catholic, Protestant, Greek Catholic, and Autocephalous Orthodox churches. The regime restricted freedom of movement. Regime security agents closely monitored human rights organizations and hindered their efforts. Domestic violence and discrimination against women remained significant problems, and anti-Semitism persisted. The authorities continued to restrict severely workers' rights to associate freely, organize, and bargain collectively; and after the Presidential elections launched a major effort to cut off resources to the trade unions by prohibiting employers from withholding union dues. The International Labor Organization has sanctioned the regime for these violations. There were reports of forced labor. Trafficking in women and girls was a continuing problem.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no conclusive reports of political killings committed by the regime or its agents during the year. However, several credible reports surfaced during the year implicating senior levels of the regime in the 2000 disappearance of journalist Dmitry Zavadsky and the 1999 disappearances of opposition figures Yury Zakharenko, Viktor Gonchar, and Anatoliy Krasovsky (see Section 1.b.). Regime investigators and human rights monitors alleged that senior regime officials were involved in the killing of these individuals because of their involvement in political activities. Zakharenko, Gonchar, and Zavadsky had worked for the Government Lukashenka prior to joining the opposition.

On June 11 and 12, investigators Dmitry Petrushkevich and Oleg Sluchek of the Prosecutor's Office publicly revealed in several media sources the results of their investigations into these disappearances. The investigators alleged that Yuriy Sivakov, the Minister of the Interior at the time of the disappearances, organized a special squad within the ministry under the direct control of Dmitry Pavluchenko, head of a special OMON (riot police) brigade. This "death squad" reportedly had been organized under orders from the highest levels of the regime. The squad included Valery Ignatovich, a former officer of Almaz, an elite unit of the Ministry of the Interior, Maksim Malik, a former officer in the Almaz Special Assignment Police Force, and others subsequently charged with responsibility for disappearances. Their allegations put the number of killings conducted by the group at more than 30. Petrushkevich and Sluchek further alleged that Vladimir Naumov, who later became Minister of the Interior, repeatedly visited Ignatovich and Malik in their cells following their arrest, speaking with them in the absence of investigators or witnesses and with no record having been made of the visit. After these visits, according to Petrushkevich and Sluchek, Malik and Ignatovich made very specific threats against investigators who questioned them. Petrushkevich and Sluchek also stated that several investigators working on the case had died mysteriously. During the year, two operatives who were working on the case from the criminal search unit of the Prosecutor's Office died under mysterious circumstances.

On June 15, Prosecutor's Office investigators Dmitry Petrushkevich and Oleg Sluchek released a copy of what they stated was the investigation's forensic report concerning a shovel found in the car of Ignatovich. The shovel was said to have bloodstains matching Zavadsky. Petrushkevich and Sluchek, fearing reprisals, left the country and sought asylum abroad.

On July 17, the independent and Russian press carried a document that appeared to be a handwritten report dated November 21, 2000 from Chief of Internal Police Nikolai Lopatik to Naumov, naming those who had given orders to kill Zakharenko, Gonchar and Krasovsky, as well as those who had executed those orders. The document claimed that on May 6, 1999, then-National Security Advisor Viktor Sheiman had ordered Sivakov to give Pavluchenko access to a death row prison, where he received a weapon allegedly used to carry out judicially sanctioned executions. Sheiman then ordered Pavluchenko to kill Zakharenko. Pavluchenko returned the weapon on May 8. The document further asserted that Gonchar and Krasovsky were eliminated in the same fashion by the same squad.

At the same time, the independent press carried testimony by Colonel Oleg Alkayev, warden of the death row prison, confirming the Lopatik report. In addition copies of a log book containing records of the issue of the alleged execution weapon and ammunition were made public.

On August 22, Alkayev himself was interviewed by an independent newspaper. In the interview, he stated he was aware of the existence of the death squad unit and confirmed that he was questioned by Deputy Prosecutor Mikhail Snyahir in connection with the Lopatik report. Alkayev also confirmed the issue of a pistol to MVD Minister Sivakov on the days preceding the disappearances and its return afterwards. He further confirmed that the pistol given to Sivakov was the pistol used for death row executions. He alleged that a unit

of SOBR, a special Ministry of the Interior SWAT team, under the guidance of Pavluchenko and the orders of Naumov, executed Zakharenko, Gonchar, and Krasovsky. Alkayev subsequently left the country.

On August 27, former KGB investigator Gennady Uglyanitsa and an associate released a videotape in which Uglyanitsa stated that Gonchar and Krasovsky were killed by a special rapid response unit (SOBR) within the Ministry of the Interior. They further released videotaped testimony of a man who claimed to be a driver within that unit, who alleged that he was present when Pavluchenko murdered Gonchar and Krasovsky. He identified the place where they allegedly were buried; he said that Krasovsky's Jeep, which also disappeared with the politicians, had been buried there as well. He further named several other members of the death squad, including, Vladimir Novatorsky, the head of the "capture group," Aleksandr Mekiyants, Yury Budko, Lieutenant Koklin and warrant officer Murashko. The regime denied these charges. Initially KGB officials claimed that the man on the tape was not Uglyanitsa and that they had investigated the alleged burial site and found nothing. In October Lukashenka accused the United States and Russia of conspiring to remove Uglyanitsa to another country and of blocking regime attempts to have him arrested and extradited.

b. Disappearance

There were no reports of politically motivated disappearances during the year; however, the disappearances of several opposition figures in earlier years remained unresolved.

In July 2000, Dmitry Zavadsky, a cameraman for the Russian television network ORT, who previously had been a cameraman for President Lukashenka, disappeared at the Minsk Airport while waiting for ORT journalist Pavel Sheremet, another ORT journalist, to arrive from Moscow. In 1997 Zavadsky and Sheremet had been arrested by government authorities for crossing the border illegally while filming a documentary critical of the Lukashenka regime. The authorities initially accused the opposition of organizing Zavadsky's disappearance, calling it a provocation, but opened a criminal investigation into the disappearance. In November 2000, Sheremet reported that several current and former police officers, including members of the elite Almaz Unit of the Ministry of the Interior, had been arrested as suspects in the Zavadsky case. At the same time, an open letter on the Internet, reportedly written by a KGB officer, alleged that Zavadsky had been killed by a group of former and current security service officers, including Valery Ignatovich, a former Almaz officer (see Section 1.a.). The letter also alleged that senior authorities, particularly then National Security Advisor Viktor Sheiman and Minister of the Interior Vladimir Naumov, interceded with Lukashenka to prevent investigators from fully examining the case. Lukashenka claimed that the letter was a fabrication and promised to renew the investigations into the disappearances; however, he removed the Prosecutor General and the KGB Chief who allegedly had been leading the investigation, and named Sheiman as the Prosecutor General. On May 11, the authorities officially confirmed that they were arresting and charging Ignatovich and three others with kidnaping in connection with the disappearance of Zavadsky. Officials announced that the motive for kidnaping was personal revenge stemming from Zavadsky's statement in a private newspaper that security personnel, including Ignatovich, had been operating in Chechnya. Most observers determined that this explanation was not credible because Zavadsky had not named any of the accused.

On July 12, Prosecutor General Sheiman remanded the Zavadsky kidnaping case to court. He charged Ignatovich, Malik, and two others, Aleksei Guz and Sergei Saushkin with, in addition to the Zavadsky kidnaping, seven premeditated murders, five armed assaults, and a second kidnaping. The trial was closed to the public and press. Zavadsky's wife and a lawyer representing his mother were allowed to attend, but were under court order not to disclose anything about the court proceedings. Some observers claimed that Ignatovich was being drugged during the testimony phase of the trial so that he could not incriminate others; the authorities stated that he was semiconscious because he was on a hunger strike, but later the judge ordered him removed from the courtroom. Many human rights advocates believe that the regime's handling of the Zavadsky case does not constitute meaningful progress in resolving the case because of the authorities' refusal to investigate whether the higher authorities ordered the kidnaping and execution.

There also has been no progress in the case of former Minister of Internal Affairs Yury Zakharenko who disappeared on May 7, 1999. Zakharenko, a close associate of the then-detained former Prime Minister Mikhail Chigir, disappeared after voting began in an opposition presidential election initiative in which Chigir was one of the principal candidates. Zakharenko was highly popular among Ministry of Interior personnel. An investigation began 6 months later, but there was no evidence that the authorities had taken concrete steps to resolve the case by year's end. The regime failed to present any information on the investigation in response to a request from the U.N. Working Group on Involuntary Disappearances. The authorities also harassed and hindered the investigations by independent nongovernmental organizations (NGO's) of Zakharenko's disappearance. In December 2000, after accusing Lukashenka of direct involvement in Zakharenko's disappearance Zakharenko's wife and children sought political asylum in a foreign country. During the September presidential campaign, regime media repeatedly ran stories alleging that Zakharenko was alive and well in Germany and that his disappearance had been fabricated by the opposition.

There has been no satisfactory resolution of the September 1999 disappearance of 13th Supreme Soviet Deputy Chairman Viktor Gonchar and his local business associate Anatoliy Krasovsky, which occurred after Lukashenka, in a meeting broadcast on state television, ordered the chiefs of his security services to crack down on "opposition scum." Gonchar was a high profile antiregime politician and Krasovsky was considered an active fundraiser for the opposition.

On January 19, ORT broadcast a report that the decision to replace the heads of the KGB--Uladzimir Matskevich--and the Prosecutor General--Oleg Bozhelko--was in fact a direct response to the arrest of Dmitriy Pavluchenko, head of a special ALMAZ brigade. The KGB head and Prosecutor General arrested Pavluchenko in connection with the abduction and suspected killing of Gonchar and Krasovsky (see Section 1.a.). The report alleged that Pavluchenko was arrested but released after President Lukashenka personally intervened. Sources close to the former KGB Chief and the former Prosecutor General stated that the two had requested permission to arrest Viktor Sheiman, then head of the Presidential Security Council, for ordering the killings but that Lukashenka had refused, instead dismissed them and put Sheiman in charge of the investigation. On June 11, on the Web site of the NGO Charter 97, Petrushkevich charged that Lukashenka fired Bozhelko approximately a week after Bozhelko sent a request to his Russian counterpart asking for machinery designed to search for human bodies that have been buried and that Lukashenka then sent a message to the Russian Procurator General canceling Bozhelko's request for technical assistance.

In late August, former Prosecutor Oleg Bozhelko was quoted publicly by former Minister of Agriculture Vasily Leonov as having confirmed the speculation surrounding his dismissal, the existence of the Lopatik report, and the veracity of its allegations (see 1.a.). Bozhelko neither confirmed nor denied this report.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution provides for the inviolability of the person and specifically prohibits torture, as well as cruel, inhuman, or degrading treatment; however, police and prison guards beat detainees and prisoners. Law enforcement and prison officials lawfully may use physical force only against detainees and prisoners who are violent, have refused to obey the instructions of the prison administration, or have violated "maliciously" the terms of their sentences; however, human rights monitors repeatedly reported that investigators coerced confessions through beatings and psychological pressure. In November 2000, the U.N. Committee Against Torture issued conclusions and recommendations in its third periodic report on the country. The Committee cited concern over the deterioration in the human rights situation and noted numerous continuing allegations of torture and inhuman treatment or punishment committed by state officials or with their acquiescence, reportedly against political opponents of the regime and peaceful demonstrators. Police and plainclothesmen frequently beat individuals while arresting them or holding them in detention. For example, during the year police repeatedly beat Alexander Abramovich and Sergei Podzholko, two noted human rights activists in Borisov, for organizing nonviolent protests. Lukashenka opponent Aleksander Chigir reported that he was beaten and denied adequate medical attention while in detention. The authorities seldom, if ever, punished those who committed such abuses.

On April 4, police detained four other members of the opposition youth group "Zubr" (Bison) for writing graffiti on the walls of the Minsk refrigerator factory (see Section 1.d.); the police handcuffed the youths immediately, threw them to the ground, and sprayed their hands with paint. Two of the youths--Aleksey Shidlovski and Timofei Dranchuk--reported that police beat them at the police station after they had been arrested.

On April 5, in Minsk two policemen detained Nikita Sasim, a juvenile member of Zubir, for allegedly writing "Zubr" on a bus stop and on the walls of the nearby building and a bridge. The officer on duty handcuffed the boy, beat him, sprayed his hair with the paint, and threatened to shave the boy's head. Other policemen then removed all of his clothes and placed him in a cold cell overnight. In an effort to coerce the youth into signing an affidavit, the policemen handcuffed him again, forced him down on the ground, and began shooting a pistol above the boy's head. The police also threatened to subject the boy to electroshock and denied him food.

Police frequently beat participants in demonstrations and at times denied them food while they were in detention (see Sections 1.d. and 2.b.)

There were many reported beatings by police and plainclothesmen during the period prior to the September 9 Presidential election. For example, in July both Igor Gaishun and Sergei Stryzhelko, two associates of Oleg Volchek, a noted human rights lawyer and activist, were beaten in their apartment buildings by unknown assailants in civilian clothes; the assailants are believed to be police security personnel after escorting the wives of political figures who had disappeared on trips throughout the country and Western Europe (see Section 1.b.). In August 2 weeks prior to the election, Gaishun again was beaten severely, and lay unconscious and bleeding in his apartment elevator for several hours before his wife discovered him.

"Dedovshchina"--the practice of hazing new recruits through beatings and other forms of physical and psychological abuse--reportedly continued. According to statistics released by the regime, in the first 5 months of the year, there were 30 reported cases. The authorities blocked efforts by family members and human rights monitors to investigate these and other reports of Dedovshchina.

Prison conditions remained poor and were marked by severe overcrowding, shortages of food and medicine, and the spread of diseases such as tuberculosis, syphilis, and HIV/AIDS. Prison guards regularly beat detainees and prisoners. According to Vladimir Kudinov, a member of the disbanded Parliament and vocal critic of the Lukashenka regime who spent 4 years in prison, torture is widespread in prisons.

According to human rights monitors, conditions at prison hospitals were poor. Although official statistics on prison overcrowding were not available, OSCE Advisory Monitoring Group (AMG) officers who visited a detention facility in Vitebsk during June 1999 noted that in one cell, 16 female prisoners shared 10 beds, while in another, 14 prisoners between the ages of 14 and 17 shared 8 beds. One observer reported that the prisons of the Mogilev region are designed to hold a total of 8,550 inmates but housed more than 14,000. The average amount of space provided for each inmate was 1.2 square yards. Food provided in prisons did not meet minimum medical requirements. Male and female prisoners are held separately. Juveniles are held separately from adults, and pretrial detainees normally are held separately from convicted prisoners; however, due to prison overcrowding, they occasionally may be housed together. Detainees in pretrial detention facilities also reported poor conditions and denial of medical treatment, which contributed to their declining health while they awaited trial.

The regime at times granted human rights monitors access to observe prison conditions; however, only family members and lawyers were permitted to visit individual prisoners during the year.

d. Arbitrary Arrest, Detention, and Exile

The law places limits on arbitrary detention; however, during the year, security forces continued to arrest and detain citizens arbitrarily, most often in connection with demonstrations, some of which were not authorized (see Section 2.b.). Politically motivated arrests continued, although most of those arrested were released within a few days or hours.

The Criminal Procedure Code provides that police may detain a person for up to 3 hours without providing any explanation for the detention. Police may detain a person suspected of a crime for 24 hours without a warrant, within which time the procurator is notified. The procurator then has 48 hours to review the legality of the detention. If the procurator finds that the detention is legal, a suspect may be held for a maximum of 10 days without a formal charge. However, once the decision is made to hold a suspect, formal charges generally are filed. Once a suspect is charged, a trial must be initiated within 2 months, although in some cases the procurator general may extend pretrial detention to 18 months to allow for further investigation. Alternatively a suspect who has been charged can be released on a written pledge not to flee, in which case there is no time limit on pretrial investigation. The law gives detainees the right to apply to the court (rather than the procurator) to determine the legality of their detention. In practice suspects' appeals to have their detentions reviewed by the courts frequently are suppressed because detention officials are unwilling to forward the appeals. Statistics on the number of persons in pretrial detention and the average length of pretrial detention were not available. There is no provision for bail under the legal code.

Despite legal protections, investigators routinely failed to inform detainees of their rights and conducted preliminary interrogations without giving detainees an opportunity to consult counsel. The information gained in interrogations conducted without counsel was used against the defendant in court. Access by family members to those detained is at the discretion of the investigators and they frequently were not notified when a family member, even a juvenile, was detained.

The Administrative Code permits the detention of any citizen for up to 3 hours with no prosecutorial action whatsoever and the authorities frequently used this provision. These short detentions were used routinely in the period prior to the Presidential election on September 9, as a way to remove suspected leaders of opposition groups from the streets at critical moments. These detentions frequently lasted longer than the permitted 3 hours. For example, on September 1, 8 days before the election, Ales Belyatsky, one of the cochairmen of the independent domestic observation network, was detained for approximately seven hours. Authorities believed that Belyatsky and several others were organizing a protest at the World Cup qualifying match, and he was held until after the start of the match.

Unidentified plainclothes officials working for the security services regularly apprehended and detained individuals engaged in antiregime demonstrations and in the distribution of opposition materials. There were several reports that individuals and members of organizations involved in publishing opposition media were

arrested and detained (see Section 2.a.). Security officers on occasion preemptively arrested and detained organizers and individuals considered to be potential participants in demonstrations (see Section 2.b.). Security officials held some detainees incommunicado following demonstrations. In addition to the hundreds of antiregime protesters, whom authorities held for several hours or days, authorities also held several prominent political detainees for prolonged periods of time in pretrial detention, some for more than a year.

On February 10, police arrested Alexander Chigir, son of former Prime Minister and active Lukashenka opponent Mikhail Chigir. He was accused publicly of selling stolen car parts. Charges of "large-scale larceny committed by a group" were pending at year's end. At year's end, Alexander Chigir's lawyer was in the hospital awaiting surgery for an attack he suffered on March 6 by unknown individuals and was unable to represent his client. Alexander Chigir reported that while in detention he was beaten and denied adequate medical attention. His case remained pending at year's end.

On April 5, police detained four members of the youth group ZUBR, Aleksei Shydlovsky, Timothy Dranchuk, Dmitry Drapochko, and Ales Apranich, on suspicion that they had spray painted the fence of the Minsk refrigerator factory (see Section 1.c.). They were taken to the Central police department. The police would not allow the youths to contact their relatives or lawyers and held them at the station until the afternoon of April 6. The lawyers met with their clients on April 6 but were not allowed to speak with their clients alone. The police forced the four youths to sign falsified documents to make it appear that the police had detained them legally. The detainees refused to give testimony to the police. Journalists, diplomats, and OSCE AMG officials were unable to obtain information about the four youths. They were held overnight in the confinement center of the Minsk city police.

On September 1, 20 activists from Zubr were detained for wearing the wrong colored shirts to a Ukraine-Belarus football match. The youths wore white shirts or red shirts, and by sitting in designated seats they formed a human white-red-white banner, symbolizing the autonomous flag of Belarus replaced by Lukashenka with a flag similar to Belarus's Soviet flag. The public display of the nationalist flag has been declared illegal (see Section 2.a.). Noticing an increasing police presence around them, they attempted to leave the match at halftime but were detained by dozens of militia, held overnight and had their shirts confiscated.

The Constitution does not address forced exile and the authorities generally do not use forced exile; however, there were credible reports that the security services threatened opposition political activists and trade union leaders with criminal prosecution or physical harm if they did not cease their activities and depart the country.

e. Denial of Fair Public Trial

The 1994 Constitution provided for an independent judiciary; however, in practice the judiciary was not independent and was unable to act as a check on the executive branch and its agents. Reforms adopted to support the independence of the judiciary in 1995 remained unimplemented. The 1996 Constitution further subordinated the judiciary to the executive branch by giving the President the power to appoint 6 of the 12 members of the Constitutional Court, including the chairman. The remaining six are appointed by the Council of the Republic, which itself is composed of individuals appointed by the President or those deferential to the President. The President appoints the chairmen of the Supreme Court and the Supreme Economic Court. The President has authority under the Constitution to appoint and dismiss all district and military judges.

The criminal justice system has three tiers: District courts, regional courts, and the Supreme Court. The Constitutional Court was established to adjudicate serious constitutional issues; however, because it is dependent on the executive branch, it does not challenge presidential initiatives in practice. The Constitutional Court has no means of enforcing its decisions.

Prosecutors, like the courts, are organized into offices at the district, regional, and republic levels. They ultimately are responsible to and serve at the pleasure of the Procurator General who is appointed by the Council of the Republic. Prosecutors are not independent and do not have the authority to bring charges against the President or the Presidential Administration.

Pursuant to a 1997 Presidential decree all lawyers legally are subordinated to the Ministry of Justice, which controls the licensing of lawyers and, to a considerable extent, the bar association also is under Ministry of Justice control. According to international legal experts and human rights monitors, the decree has compromised seriously the independence of lawyers from the authorities.

Both the 1994 and 1996 Constitutions provide for public trials, although exceptions may be made in cases established by law (for example, in cases of rape or on grounds of national security). For example, the trial of the individuals charged in the disappearance of ORT cameraman Dmitry Zavadsky was closed to the public

for security reasons, since the defendants had previous links to the Ministry of Interior and were privy to state secrets, and to protect witnesses (see Section 1.b.). Judges adjudicate trials; only in capital offense trials in which the defendant pleads not guilty and demands a jury trial do juries determine innocence or guilt. Judges are dependent on the Ministry of Justice for sustaining court infrastructure and on local executive branch officials for providing their personal housing. There were widespread and credible reports that executive and local authorities dictated to the courts the outcome of trials; the Procurator's Office denies these assertions.

Defendants have the legal right to attend proceedings, confront witnesses, and present evidence on their own behalf; however, these rights are not always respected in practice. By law detainees must be allowed unlimited access to legal counsel and for those who cannot afford counsel, the court appoints a lawyer; however, at times this right was not respected in practice. While the Constitution establishes a presumption of innocence, in practice defendants frequently must prove their innocence. According to 1998 statistics, the latest available, from the Belarusian Helsinki Committee criminal charges were brought by prosecutors against 59,700 individuals. Of these only 272, or fewer than 0.5 percent, were found to be not guilty.

Both defendants and prosecutors have the right to appeal court decisions, and most criminal cases are appealed; however, appeals rarely result in reversals of verdicts. In appeals neither defendants nor witnesses appear before the court; the court merely reviews the protocol and other documents from the lower court's trial. Throughout the year, antiregime protestors arrested after demonstrations were subjected to assembly line-style trials, often without the right to counsel or the opportunity to present evidence or call witnesses (see Section 2.b.). For example, Vinstuk Vyachorka, the leader of the opposition Belarusian Popular Front, was sentenced to 15 days in prison for holding an unsanctioned rally in March; at his trial he was allowed neither an appeal nor a closing statement.

On June 18, professors Vlamir Revkov and Yury Bandazhevsky, were convicted of bribery after a 4-month trial and sentenced to 8 years in prison. Some observers claimed that the authorities filed charges against Revkov and Bandazhevsky in retaliation for their outspoken criticism of the Government's handling of problems related to the aftermath of the Chernobyl nuclear disaster. Revkov, who had already spent 19 months in a local pretrial detention cell, is the former deputy rector of the Gomel State Medical Institute, and Bandazhevsky is a former rector of the Institute. The case, initiated in 1999, failed to produce any evidence to prove the claim that the two took a total of \$200,000 in bribes. Testimony from students and parents reportedly was coerced. According to Revkov, the investigator interrogated him for a total of 14 to 16 hours during the 19 months he spent in pretrial detention. Several other faculty members also were charged; there were no reports concerning the disposition of their cases by year's end.

In May Ivan Spasyuk, a priest of the Belarusian Orthodox Autocephalous Church (BOAC), was detained and fined at a closed hearing without the opportunity to call witnesses or other legal assistance. The Court denied his request to have the trial conducted in his native Belarusian language (see 2.c.).

Andrei Klimov, of the disbanded elected Parliament, continued to serve a 6-year prison sentence following his conviction in March 2000 on what were considered widely to be fabricated charges of malfeasance and large-scale embezzlement in the handling of government contracts at a property development firm which he had run. Klimov, whose trial began in July 1999, had been held in pretrial detention since February 1998. International and local human rights observers believe that the trial and conviction were motivated politically to punish Klimov for his involvement in a 1996 impeachment drive against President Lukashenka. In August 2000, Klimov's appeal was denied by another Minsk court without comment. Human rights monitors believe that the appeals court overlooked numerous procedural violations in rejecting the appeal.

There were no other reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.

The Constitution forbids arbitrary interference in a citizen's personal life; however, the regime did not respect these rights in practice. The inviolability of the home also is provided for by the Constitution, which states that "no one shall have the right to enter, without legal authority, the dwelling and other legal property of a citizen against such a citizen's will." The interception of telephone and other communications without a court order is prohibited; however, in practice regime monitoring of residences, telephones, and computers continued. The KGB, MVD, and certain border guard detachments have the right to use wiretaps, but under the law they must obtain a prosecutor's permission before installing them; however, the KGB entered homes, conducted unauthorized searches, and read mail without warrants.

The prosecutor's office exercised no independence; and the due process protections regarding wiretaps effectively therefore are meaningless. The Administrative Offenses Code provides penalties for those who obstruct KGB officers. For example, any effort to prevent KGB officers from entering the premises of a

company, establishment, or organization is a criminal offense, as is any refusal by such entities to allow audits, or to deny or restrict access to company information systems and databases.

Contracts used by the Ministry of Communications for supplying telephone service forbid subscribers from using telephone communications for purposes that run counter to state interests and public order. The Ministry has the authority to terminate telephone service to those who breach this provision; however, there were no reports during the year that the Ministry exercised this authority.

Nearly all opposition political figures report that the

authorities monitor their activities and conversations. The Lukashenka regime did nothing to refute these reports. Political, human rights, and other NGO's stated that their conversations and correspondence were monitored routinely by the security services. The Presidential Guard (or security service) reportedly continued to conduct surveillance activities of the President's political opponents. There was no judicial or legislative oversight of the Presidential Guard's budget or activities, and the executive branch repeatedly thwarted attempts to exercise such oversight. Some regime officials are themselves monitored. Militia officers assigned to stand outside diplomatic missions are known to keep records of visits by political opposition leaders. Some opposition figures expressed reluctance to visit some foreign embassies due to fear of reprisals.

Harassment in the form of "inspections" and confiscation of political literature was widespread, particularly in the period prior to the September presidential election. Targets included opposition candidates and their supporters. Security officials routinely raided and searched the apartments of opposition politicians, often without warrants. At the Bruzgi customs-house in the Grodno region, customs officers spent 2 hours searching the personal possessions of former presidential candidate Syamon Domash, who was on his way to Poland via automobile. None of the goods in Mr. Domash's possession were found to be in violation of the law. The customs officers never explained their actions.

On March 11, the police forced Evgeny Lobanovich, head of the executive committee of the opposition United Civil Party, to disembark from a train, searched him, and took him to the police station, where they copied all of the documents in his possession. A dozen police officers who carried out the search identified themselves as members of the team investigating the Zavadsky case but refused to give their names. Lobanovich was traveling to Moscow to participate in a press conference on the disappearances of prominent opposition politicians (see Section 1.b.). Lobanovich, a lawyer, argued successfully for his release when the authorities could not produce the legal reasons for holding him.

Also in March, Minsk police accompanied by KGB officers conducted an unlawful search of cars owned by opposition members and confiscated several thousand leaflets prepared for the March 25th Freedom Day demonstration. Police arrested Sergei Mikhnov, secretary of the Belarusian Popular Front, and two other BPF members from Gomel and Orsha, and charged them with distribution of printed materials by an unregistered organization.

In November Lukashenka rescinded a decree issued in 1999 that allowed the authorities to nationalize the property of any individual the President determined to have caused financial damage to the State. There were reports that this decree was used against businessmen who supported political opposition.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Both the 1994 and 1996 Constitutions provide for freedom of speech, as well as the freedom to receive, retain, and disseminate information; however, the regime restricts these rights in practice. Laws and decrees restrict freedom of expression by limiting citizens' use of symbols and words on posters and by overly broad interpretation of libel laws to restrict criticism of regime officials and activities. The regime restricted freedom of the press in many ways, including: Using the libel laws, limiting foreign funding, pressuring businesses not to advertise with independent media, limiting their access to newsprint, denying accreditation to critical journalists, outright censorship, restricting the import of media related materials, temporarily suspending opposition periodicals, bringing legal actions against the main independent publishing house, and detaining individuals seeking to distribute opposition newspapers. The regime made use of its monopoly of television broadcasting to present biased news coverage and to minimize the presentation of opposing points of view. These restrictions on press freedom were particularly severe in the period prior to the September 2000 presidential election.

The executive branch continued its suppression of freedom of speech. A 1997 presidential decree prohibits a

range of broadly defined activities and limits freedom of expression. For example, the decree prohibits individuals from carrying placards or flags bearing emblems that are not registered officially with the State, as well as emblems, symbols, and posters "whose content is intended to harm the State and public order, rights and legal interests of the citizens." The decree also bans activities that are "humiliating to the dignity and honor of the executive persons of state bodies." This decree has been used to prosecute and fine those carrying symbols emphasizing the country's independence, such as the red and white flag (see Section 1.d.). A 1998 decree limited citizens' right to express their own opinions.

Laws against defamation and libel have been used to limit both freedom of speech and freedom of the press. The defamation law makes no distinction between private and public persons in lawsuits for defamation of character. For example, a public figure who has been criticized for poor performance in office may ask the prosecutor to sue the newspaper that printed the criticism. The law stipulates that public insults or libel against the President may be punished by up to 4 years in prison, 2 years in a labor camp, or a large fine; however, there were no reports that anyone was arrested or charged subsequently for this offense, and the law apparently was devised principally as a means of intimidation. Nevertheless, its provisions remained in effect.

On January 16, Ales Abramovich, Alesia Yasiuk, Nadzieya Grachukha, and Dmitry and Mikhail Kuznitsov were arrested and charged with defamation for verbal abuse of the president's honor and dignity during the course of a 30-minute demonstration in Borisov (see Section 2.b.). Abramovich subsequently left the country and remained abroad at year's end. On January 12, a criminal case for slander was initiated against Nasha Svaboda for publishing the article of Dr. Dmitry Shchygitski, a psychologist, who diagnosed Aleksandr Lukashenka as suffering from "mosaic psychopathy." The charges were not pursued after the Nasha Svaboda editor suggested that to prove slander, the prosecutors would have to prove Lukashenka was not ill, and offered to help find an independent expert for the evaluation of his health.

In April 2000, a new presidential decree came into effect on "the Use by Legal Entities of the Name of the Republic of Belarus." The decree allows only legal entities specially authorized by the President to use the name of the country in their titles. According to the decree and independent legal experts, the independent press is barred from using the country name in its titles.

In a step designed to discourage foreign support for independent media, on March 15 the regime published a decree "On improving the system of receipt and use of humanitarian assistance." Ostensibly aimed at stopping foreign-supported seditious activity, the decree specifically forbids foreign-supported "activities directed at alteration of the constitutional order, overthrow of state power or encouragement of such activities...preparation, administration and organization of elections, referenda, organization of meetings, rallies, demonstrations, pickets, strikes, publication and distribution of promotional materials, organization of seminars and other types of promotional activities involving the population." The decree was the basis for a nationwide crackdown during the electoral campaign on independent media outlets and independent NGO's, many, if not most, of which are supported by the international community. The regime utilized tax inspections and confiscation of printed matter and equipment to immobilize much of the prodemocratic opposition throughout the campaign, thus severely restricting freedoms of speech and expression (see Section 1.f.).

The regime continued to use its near-monopolies on newsprint production, newspaper printing and distribution, and national television and radio broadcasts, to restrict dissemination of opposition viewpoints. The regime also denied accreditation to journalists critical of the regime and kept up economic pressure on the independent media by pressuring advertisers to withdraw advertisements, as well as by fines and other administrative harassment. The authorities stepped up their campaign of harassment against independent media, including open censorship, requiring some independent publications to remove stories, which forced them to publish blank pages or spaces. For example, on January 1, the independent newspaper Nasha Svaboda was obliged to print several blank pages; its periodic satirical section "Stinger" had been removed at the insistence of the printing house, which had been pressured by the State Committee on the Press not to print it. Some state-run enterprises discouraged employees from subscribing to independent newspapers and journals.

A 1997 decree by the Council of Ministers restricts the movement of certain goods across customs borders; the decree specifically prohibits the import and export of printed, audio, and video materials, or other news media containing information "that could damage the economic and political interests of the country." In addition authorities searched vehicles at border crossings and on several occasions confiscated nonpartisan campaign materials being brought into the country.

Regulatory provisions grant power to the authorities to ban and censor critical reporting; for example, the State Committee on the Press was given authority to suspend the publication of periodicals or newspapers for 3 months without a court ruling. In 1999 Lukashenka signed amendments to the law that prohibit the media from disseminating information on behalf of political parties, trade unions, and NGO's that are not registered with the Ministry of Justice.

The newspapers and other print media with the largest circulation are state-owned, although there also are a number of independent publications, some of which were critical of the regime. Independent newspapers were available widely in Minsk, but outside of the capital choice was limited to the state-run national newspaper and local newspapers, only some of which are independent. All nationally available radio and television broadcasts originating in the country are government-owned, although some broadcasts from other countries, including Russia, Poland and Lithuania, could be received in many parts of the country.

In order to ensure loyalty to the authorities, a 1996 Presidential decree designated all editors-in-chief of state-supported newspapers as state employees and members of their respective local-level government councils. Another decree granted the Ministry of Press the authority to assign graduates of state-supported journalism schools to work in state-owned media organizations as a way to repay their schooling.

Independent newspapers came under increasing criticism by the regime. The regime issued dozens of warnings to independent media outlets for publishing articles critical of the authorities. The law provides that the regime may close down a publication after two warnings. On February 6, *Belaruskaya Delovaya Gazeta*, one of the country's leading independent newspapers, was given an official warning for publishing an article on the investigation into the disappearance of Dmitry Zavadsky, and the investigation of Valery Ignatovich (see Section 1.b.). On February 14, the newspaper *Narodnaya Volya* was given a warning for publishing an article on a similar topic. The author, Valery Schukin, later was arrested while trying to gain access to a trial. The militia would not let him enter despite his valid press credentials. The regime also issued warnings concerning the Belarusian editions of Russian newspapers. For example, on February 14, the State Committee for Press issued a warning to *Komsomolskaya Pravda* (Belarusian edition) for reporting on the detention of a cousin of exiled writer Vasily Bykov.

After a series of warnings, the authorities froze the bank account and seized the newsprint and computers of the independent newspaper *Pahonia* in the period prior to the September election. It was charged with violating the law on the press, including the publication of articles about unregistered organizations. In November the newspaper was closed formally.

The authorities continued to act against the Magic publishing house, which is the printing press for most of the country's leading nongovernmental newspapers. On January 9, one of Magic's presses was seized by tax authorities pursuant to a decision by Supreme Economic Court that the equipment could be used to cover the tax indebtedness of its original owners, the Belarus-Soros Foundation. The printing press was scheduled to be sold at a tax auction within several weeks of its seizure to recoup the lost tax revenues; however, the auction was delayed 6 to 9 months until the presidential campaign period was over, despite repeated inquiries by Magic into its sale. There were unofficial reports that the State Committee on Press would not hold the tax auction until there was a buyer for the press other than Magic. Despite these difficulties, Magic continued to print at half-capacity until its second and final press was seized on August 22. Magic was reopened after a short closure, but a new director was placed on its board by the State Committee on Press, forcing Magic to practice self-censorship during the election period. Several newspapers were run on Magic presses with blank pages during the election campaign.

Throughout the year, and with increasing frequency during the campaign period, members of opposition youth groups were detained for handing out free copies of independent newspapers' special editions. The standard procedure involved confiscating the papers, holding the youths for several hours and eventually letting them go, usually late at night. For example, on March 3, three men were detained in Minsk for distributing a special edition of *Nasha Svaboda* dedicated to the fate of the political figures who had disappeared (see Section 1.b.).

State-controlled Belarusian Television and Radio (B-TR) maintained its monopoly as the only nationwide television station. Its news programs regularly featured reporting that was biased heavily in favor of the authorities, sharply critical of opposition politicians, and failed to provide an outlet for opposing viewpoints. Local, independent television stations operated in some areas and reported local news relatively unimpeded. However, most of these stations reported that they were under pressure not to report on national-level issues or were subject to censorship.

Until the authorities shut it in 1996, Radio 101.2 had been the sole Belarusian-language independent station in the country. The Belarusian Patriotic Union of Youth, a regime-subsidized presidential youth organization, was permitted to take control of Radio 101.2. An independent Belarusian-language crossborder radio station, Radio Ratcija, based in Poland, began operating in 2000. However, in April 2000, the Foreign Ministry's special commission for accrediting foreign journalists refused to register four of the radio station's journalists based in Belarus.

On March 25, Police in Grodno detained and beat photojournalist Dmitry Yegorov for taking photos of a heavy police presence in the center of town in advance of a "Freedom Day" march. On the same day, unidentified

assailants widely believed to be linked to the police beat Vladimir Shlapak, a photojournalist in Minsk, while he was covering a similar march.

The OSCE Office of Democratic Institutions and Human Rights OSCE/ODIHR Limited Election Observation Mission reported 26 violations of freedom of expression and information against the media during the 3 weeks they were in the country, from August 17 to September 9. These violations included repeated misuse of tax inspections, seizure or theft of equipment, confiscation of newspapers, editorial interference akin to censorship, and detention of journalists.

A 1997 Council of Ministers decree nullified the accreditation of all correspondents and required all foreign media correspondents to apply for accreditation with the Ministry of Foreign Affairs; the application form for accreditation requested biographic information as well as a record of the applicant's journalistic activity. Journalists who were residents of the country also were required to register with the state tax authorities. The Ministry of Foreign Affairs used its authority to deny accreditation in April 2000 to four journalists from Radio Ratcija, and there were reports that other journalists from foreign media outlets have been threatened with a loss of their accreditation for reporting on opposition-related activities.

Although there are several Internet service providers in the country, they are all state controlled. The Lukashenka regime's monopoly on Internet service results in high prices, poor quality, and limited service and allows for the monitoring of practically all e-mail. Although the authorities have full control, they appear to be cutting off access only selectively. On September 9, the day of the Presidential election, many media Web sites were inaccessible within Belarus until midday, when a technical bypass was found and access was resumed. Problems continued with Web sites until September 10. OSCE/ODIHR and other election observers noted that several of the most prominent Web sites covering the elections, including the websites of Belapan, Charter '97, Nasha Svaboda, and Zubr, could not be accessed during the 2000 parliamentary election campaign. Access to these sites is provided by "Beltelecom," a state-owned monopoly.

The Lukashenka regime restricts academic freedom. University administrators targeted and strongly discouraged research into politically sensitive subjects, such as the Belarusian independence movement during the Soviet era, a theme that is seen to challenge the State's policy of integration with Russia. On April 13, the regime ruled that, starting June 1, independent, nonstate academic institutions would have to obtain special permission from the authorities to hold educational seminars or lectures.

There were credible reports that independent universities engaged in self-censorship. The European Humanities University, one of the country's leading independent universities, reportedly has asked students to refine or rethink dissertation topics if that topic is likely to be embarrassing to the regime.

The Lukashenka regime continued to harass students engaged in antiregime activities, such as demonstrations (see Section 2.b.). Some students were expelled for their participation in demonstrations or in opposition groups. More than 30 university students were expelled for their participation in street demonstrations during the year.

After the September election, activist youth groups reported that their membership was been greatly reduced because students were pressured to give up their membership in opposition groups in order to stay in school; young male students expelled from school are subject to compulsory military service. During the election period, on September 8, there were credible reports that students on the medical faculty of the Belarusian State University were locked into their dormitories, so they could not participate in youth demonstrations. There also were widespread and credible reports of students being forced to vote during the early voting period, from September 4-8, when ballots could be more easily manipulated (see Section 3). Students also were forced to participate in potato harvesting activities (see Section 6.c.).

b. Freedom of Peaceful Assembly and Association

The 1994 and 1996 Constitutions provide for freedom of peaceful assembly; however, the Lukashenka regime severely restricts this right in practice. Following some sanctioned and unsanctioned demonstrations, police and other security officials beat, detained, and attempted to coerce confessions from some demonstration participants (see Sections 1.c. and 1.d.).

Organizers must apply at least 15 days in advance to local officials for permission to conduct a demonstration, rally, or meeting. The local government must respond with a decision not later than 5 days prior to the scheduled event. Such permits are not issued routinely. Since the September elections, in most cases such permits either have not been granted, or have been granted only for demonstrations in obscure, hard-to-reach locations.

A 1997 presidential decree further limits citizens' ability to assemble peacefully by restricting the locations where rallies may take place and allowing local authorities to place strict limits on the number of participants. The decree also prohibits the display of unregistered flags and symbols, as well as placards bearing messages deemed threatening to the State or public order (see Section 2.a.). The decree, along with subsequent amendments adopted by the legislature, imposes severe penalties on those who violate the law, particularly the organizers of events. The decree allows for either monetary fines or detention for up to 15 days, but courts frequently imposed high fines that those convicted cannot pay. For example, the courts punished organizers of rallies with fines of several times the average monthly wage. When individuals failed to pay fines, authorities threatened to confiscate their property.

In May Lukashenka issued a decree banning all demonstrations by unregistered organizations, limiting participation in any demonstration to under 1,000, and including a specific prohibition against the wearing of masks. According to members of opposition parties, the authorities frequently denied permission to opposition groups to meet in public buildings. On February 3, Leakadzia Vlasuk, director of the Brest region NGO, "Fellowship for the Deaf," opened the organization's assembly hall to a town meeting with Semyon Domash, one of the potential presidential candidates from the opposition. After the meeting, she was questioned by police and fired.

The regime particularly targeted the Zubr youth movement throughout the year, and authorities routinely harassed Zubr assemblies, which ranged from very small groups to larger marches. On March 5, police arrested three members of Zubr in connection with a demonstration on the fate of the disappeared (see Section 1.b.). The three were holding portraits of those figures when they were arrested; they were charged with holding an illegal demonstration. Two were fined and one, Anton Tsialezhnikov, was sentenced to 15 days in prison.

In May a Zubr "street theater" performance, entitled "Ultimate Diagnosis," led directly to the issuance of the May decree No. 11. The performance, a series of ironic skits, featured costumed members of Zubr wearing papier-mâché masks of Lukashenka being chased by other Zubrs. The authorities arrested 35 individuals in connection with the May Zubr street performance and the event resulted in 25 trials. Among the 35 original detainees, there were several journalists. All of the detainees were beaten, and one young woman was rushed to the hospital with a concussion after her release. A second young woman, who was pregnant, was released nearly unconscious. Of the 35 detainees, 16 were held for 3 days pending trial. They were beaten and denied food. Police who were questioned at trial could not explain on what charges the members of Zubr were arrested, held, or beaten, nor could they define the illegal nature of the performance in which the Zubrs had been engaged.

On January 16, police arrested Ales Abramovich, Alesia Yasiuk, Nadzieya Grachukha, and Dmitry and Mikhail Kuznitsov who had picketed for 30 minutes in Borisov; they were charged with defamation for verbal abuse of the President's honor and dignity.

On February 16, police arrested Pavel Severinets, the leader of the youth group "Youth Front," (YF) in connection with his organization of a February 14 St. Valentine's Day Love Rally. He claimed that he was not a leader of the rally but was fined a multiple of 150 times the minimum wage, or \$500 (800,000 rubles).

On March 15, the YF held a rally celebrating the anniversary of the 1994 Constitution. Police detained two of the participants who were passing out brochures to pedestrians and took them to the central police station.

On March 25, the opposition organized a Freedom Day Rally, which was attended by 5,000 marchers. The event was unsanctioned despite attempts by the organizers to agree to a compromise march route with the authorities. More than 500 police, riot troops, and plainclothes security personnel forcibly disrupted the march. The security forces encircled the peaceful protest and beat demonstrators at random. Vinstuk Vyachorka, the leader of the opposition party Belarusian Popular Front, was arrested and charged with organizing the rally; he was sentenced to 15 days in prison. Several other prominent opposition figures were arrested, held, and fined or sentenced to short periods of administrative detention.

Nevertheless public demonstrations occurred frequently in Minsk, varying in size from a few participants to several thousand. However, they were always under strict regime surveillance, including through open videotaping of the participants by the police and plainclothes security officers. Demonstrations also occurred in other parts of the country but were less frequent, especially in areas in the east close to the border with Russia.

The Constitution provides for freedom of association; however, the authorities severely restrict this right in practice. The authorities regularly harassed members and supporters of opposition parties and confiscated leaflets and publications (see Section 3). The authorities continued to attempt to limit severely the activities of

NGO's (see Section 4). Employees at state-run enterprises were discouraged from joining independent trade unions (see Section 6.a.). Officials warned alumni of foreign-sponsored education programs against continued affiliation with their programs' sponsoring agencies.

In January 1999, Lukashenka issued a decree requiring all political parties, trade unions, and NGO's to reregister with the authorities by July 1. Such public associations already had completed a lengthy reregistration process in 1995. Observers believe that the intent of the decree, which increased the scope of operations and the number of members that organizations would need in order to qualify for reregistration, constituted political intimidation. The regime also announced regulations that prohibited private organizations from using private residences as their legal addresses. In view of regime control or ownership of many office buildings, the regulations had the effect of complicating the reregistration process by making nonresidential addresses difficult to establish.

After the reregistration process had begun, the authorities announced that organizations would have to alter their charters to indicate recognition of the 1996 Constitution and to exclude the words "popular" or "national" from their titles. In December 1999, an amendment to the Law on Public Associations went into effect that prohibited political and social organizations from using the words "Belarus," "Republic of Belarus," "national," or "popular" in their titles. Also in December 1999, Lukashenka signed into law a bill on amendments to the Administrative Offenses Code that would make any work on behalf of an unregistered NGO punishable by fines. Although most of the major political parties and unions that applied were allowed to reregister, the Assembly of Belarusian Prodemocratic NGO's reported that only 1,268, or 57 percent of the NGO's in existence when the reregistration law went into effect were reregistered by the summer of 2000. A total of 202 NGO's were rejected by the Ministry of Justice for reregistration on various grounds, and 31 were still in the process of reregistering at year's end.

On March 23, the Ministry of Justice outlawed the activities of Independent View, an independent domestic election monitoring organization, on the grounds that the organization failed to register with the authorities. They made this decision despite the fact that Independent View was a name for a joint initiative launched by several officially registered democratic NGO's.

c. Freedom of Religion

The 1994 and 1996 Constitutions provide for freedom of religion; however, the authorities restrict this right in practice. Although both Constitutions affirm the equality of religions and denominations before the law, the 1996 Constitution stipulates that cooperation between the State and religious organizations "is regulated with regard for their influence on the formation of spiritual, cultural, and country traditions of the Belarusian people."

There is no State religion; however, since his election as the country's president in July 1994, Lukashenka has pursued a policy of favoring the Russian Orthodox Church as the country's chief religion and harassing most other religions. The President grants the Russian Orthodox Church special financial advantages that other denominations do not enjoy and has declared the preservation and development of Russian Orthodox Christianity a "moral necessity." On June 24 in a meeting with the Aleksiy II, Patriarch of Moscow and all of Russia, Lukashenka said, "Fundamentally, Orthodoxy is the basis of our state." The authorities also encourage a greater role for the Russian Orthodox Church, largely as part of an overall strategy to strengthen "Slavic unity" in the region and promote greater political unification between Belarus and Russia.

The State Committee on Religious and National Affairs (SCRNA) describes some religions and denominations, including Russian Orthodoxy, Roman Catholicism, Judaism, and Islam as "traditional;" Some, including some Protestant and other faiths are viewed as "nontraditional;" while some other faiths, including Eastern religions, are viewed as "sects." This categorization affects the overall attitude of the regime toward these religions, including the ease or difficulty they face in becoming registered.

The authorities deny legal registration at the national level to some faiths considered to be nontraditional, and to all considered to be sects. The regime asserts that it denies some groups permission to register as religious organizations because their activities "run counter to the Constitution." These groups include some Protestant groups, the Belarusian Orthodox Autocephalous Church (BOAC), the Greek Catholic Church, and all groups considered to be sects. Some congregations are registered only on a local level, which entails only limited rights. Only congregations registered nationally are allowed to invite foreign religious workers and open new churches and in the absence of registration, it is extremely difficult for a religious organization to rent or purchase property for religious services. Police have disrupted some services or religious meetings that were being conducted peacefully in private homes because they were being held by religious groups that have not been able to register.

The SCRNA claims that 26 religious denominations are registered officially; however, the significance of this

figure is uncertain. According to independent estimates, as many as 70 percent of Protestant churches have been denied registration, have lost their registration as a result of the 1999 regime-imposed reregistration requirement, or have not attempted to register. A number of Protestant groups were refused registration because they did not have a legal address, but they also were refused permission to acquire property that could qualify as a legal address because they were not registered.

The Full Gospel Pentecostal churches regularly have been refused registration in this way. Article 272 of the Civil Code states that property may be used only for religious services once it has been converted from residential use; however, the authorities decline to permit unregistered religions to make such conversions. Religious groups that can not register often were forced to meet illegally or in the homes of individual members. Several charismatic and Pentecostal churches were evicted from property they were renting because they were not registered as religious organizations. A number of nontraditional Protestant and other faiths have not attempted to register because they do not believe that their applications would be approved.

Local courts have refused to hear appeals made by the BOAC to overturn the Lukashenka regime's decision not to register their churches. Because of ongoing registration problems, including the inability to register a seminary, the BOAC is unable to train a enough priests to meet the growing needs of its parishioners. Their only alternative is to send seminarians to a Kiev seminary for training. In May BOAC priest Ivan Spasyuk was arrested by authorities while attempting to hold a service in the village of Radaulyany. Spasyuk and his wife were then summoned to a local court where, in a closed hearing and without resort to witnesses or other legal assistance, Spasyuk was fined for "petty hooliganism." Spasyuk also was denied the right to have the trial conducted in his native Belarusian, although government offices are obligated legally to permit proceedings in Belarusian. In July 2000, regime security forces had twice raided BOAC services because of their lack of registration. On that occasion, Spasyuk was sentenced to five days imprisonment for allegedly resisting arrest.

Citizens are not prohibited from proselytizing; however, while individuals may speak freely about their religious beliefs, the authorities have intervened to prevent, interfere with, or punish individuals who proselytize on behalf of an unregistered religion. The authorities continued to enforce a July 1995 Council of Ministers decree that controls religious workers in an attempt to protect Orthodoxy and prevent the growth of evangelical religions. A 1997 Council of Ministers directive prohibits teaching religion at youth camps. In 1999 the Council of Ministers passed a decree that expanded upon these earlier regulations and which appears to stipulate, among other things, that among foreign religious workers only male clergy may engage in religious work upon invitation from a religious organization already officially registered, a provision that could be invoked to prohibit female religious clergy, such as Catholic nuns, from engaging in religious activity. However, this provision has not been tested in the courts.

Foreigners generally are prohibited from preaching or heading churches, at least with respect to what the authorities view as nontraditional faiths or sects, which include Protestant groups. Foreign missionaries may not engage in religious activities outside the institutions that invited them. Foreign missionaries must have "spiritual activities" visas that are valid for 1 year and permit multiple entries; obtaining such visas involves a difficult bureaucratic process, even for individuals whose religions are registered with the authorities and have a long history in the country. Foreign clergy or religious workers who did not register with the authorities or who have tried to preach without regime approval or without an invitation from, and the permission of, a registered religious organization, have been expelled from the country. In February 2000, SCRNA authorities warned a Belarusian pastor of a Pentecostal church that a citizen of Ukraine had delivered a public sermon in his church in violation of the law on religion and that a future violation of the law would lead to a revocation of his church's registration. At year's end, the Pentecostal church was fighting a court battle to overturn the denial of the Ukrainian pastor's permission to preach.

The authorities continued efforts to curb the role of foreign clergy. In April 2000, the Council of Ministers introduced changes to its regulations that allow internal affairs agencies to force foreign clergymen to leave the country by not extending their registration or by denying them temporary stay permits. There is no provision for appeals to judicial bodies. In April relying on these new regulations, the Minsk city authorities refused to extend the registration of the foreign pastor of a Pentecostal church. In March the regime approved additional changes to the regulations on inviting foreign clergy to the country and on their activities while they were there. Under the new regulations, representatives of foreign religious organizations may be invited to the country, even for such nonreligious activities as charitable work, only upon agreement with the SCRNA. There is no provision for appeal of the SCRNA's decision. In April the regime enacted changes to the civil code to restrict "subversive activities" by foreign organizations in the country. A new clause prohibits the establishment of offices of foreign organizations, "the activities of which are aimed at ... the inciting of national, religious and racial enmity, as well as activities which can have negative effects on the physical and mental health of the people."

The Roman Catholic Church has experienced a shortage of qualified native clergy, and at times the Church has had difficulty getting permission from the authorities to bring in a sufficient number of foreign religious workers, mostly from Poland, to make up for the shortage. In September after a long delay, the Lukashenka

regime gave permission to the Catholic Church to open a seminary in Minsk. The regime indicated that in light of this development foreign priests no longer would be allowed to work in the country; however, this change may not be enforced at the local level, and at least some foreign priests still are allowed to work in the country. Bishops must receive permission from the SCRNA before transferring a foreign priest to another parish.

Regime officials took a number of hostile actions toward the Jewish community. The Lukashenka regime did little to counter the spread of anti-Semitic literature. In May 20 members of a messianic Jewish group were detained in Minsk while they were attempting to distribute religious literature. Also in May, police acting under SCRNA orders detained members of the same group while they were attempting to hang posters in central Minsk congratulating veterans of World War II on Victory Day. The SCRNA informed the group that "it would be offensive for Veterans to receive congratulations from the Jews." On September 26, authorities arrested two members of the Jewish community for holding an unsanctioned picket protesting the illegal destruction of a former synagogue in Minsk. Charges were dropped in one of the two cases, but the organizer of the picket was awaiting trial at year's end. The regime refused to help maintain Jewish cemeteries and historic monuments, or create memorials to Belarusian Holocaust victims. As in the previous year, authorities attempted to prohibit the distribution of matzoh for Passover among members of the Jewish community. The Committee on Humanitarian Aid stated that the matzoh could not be considered humanitarian aid, reportedly because a Jewish organization affiliated with the Government alleged that matzoh was being sold instead of being distributed. Their decision was overturned and Jewish charity organizations were able to distribute a limited amount of matzoh in time for Passover. There has been a noticeable lack of regime action in redressing earlier instances of anti-Semitic vandalism. For example, no discernible effort was made by the authorities to find those responsible for the fire bombing of a Minsk synagogue in December 2000.

Officially sanctioned media attacks on minority faiths increased. In February the B-TR aired a documentary entitled "Dushekhvaty" (Soul Snatchers), which alleged that Catholic communities were eroding citizens' national-religious consciousness by urging them to deny the faith of their ancestors. The author of the documentary asserted that "Catholicism is a threat to the very existence of the Belarusian nationality, its psychological health and security" and urged the Government to take steps to protect Orthodoxy. In March and April, a State-owned television station presented a series of pseudo-documentaries accusing Protestant churches of engaging in human sacrifice, poisoning children, and other "destructive rituals." In the series, SCRNA officials claimed that Protestant groups were undermining the authority of the government, and needed to be banned from the country. Efforts by Catholic and Protestant groups to halt these broadcasts were rejected by SCRNA authorities and the courts. On April 12, the official newspaper of the armed forces, Vo Slavu Rodinu, published an article that listed 74 "destructive sects," including many eastern religions, the Church of Jesus Christ of Latter-Day Saints (Mormons), and Jehovah's Witnesses, and urged all military personnel to avoid such organizations.

State employees are not required to take religious oaths or practice elements of a particular faith; however, the practice of a faith not viewed as traditional, especially one not permitted to register, could place a believer at a disadvantage in terms of advancement within the government bureaucracy or the state sector of the economy.

There were no reports of restrictions on the importation of religious literature; however, there were repeated instances of authorities preventing the distribution of religious literature, through holding or seizures of the materials.

There also were reports of the detention of members of Protestant religious groups, usually for several hours, for distribution of unregistered religious materials.

Restitution of religious property remained limited during the year. There is no legal basis for restitution of property that was seized during the Soviet and Nazi occupations, and legislation restricts the restitution of property that is being used for cultural or educational purposes. Many former synagogues in Minsk are used as theaters, museums, sports complexes, and a German-owned beer hall; the Jewish community's requests to have these synagogues returned has been refused. The few returns of property to religious communities have been on an individual and inconsistent basis, and local government authorities in general are reluctant to cooperate. Over the past several years, the Jewish community has lobbied the authorities successfully to return several properties in Minsk and other cities; however, most properties have not been returned. The Russian Orthodox Church appears to have had the most success on the issue of property restitution.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

According to both the 1994 and 1996 Constitutions, citizens are free to travel within the country and to live and work where they wish; however, the authorities restrict these rights in practice. The authorities issue internal passports to all adults. These passports serve as primary identity documents and are required for travel, permanent housing, and hotel registration.

In 1999 the Constitutional Court declared unconstitutional an article of the Administrative Code barring enterprises, establishments, and organizations from employing persons without a "propiska" (pass) or a registered address. Under that article, employers had faced fines for giving jobs to persons who had no stamp in their passport indicating that their residence and their new place of employment were located in the same city or district. However, the extent to which this court decision actually has affected the practice by local security officials was unknown. In practice the right to choose one's residence remains restricted. In November 1999, the Ministry of Internal Affairs announced a three-stage program to replace the "propiska" system, but at year's end, there were no reports that this program was implemented.

Official entry and exit regulations specify that citizens who wish to travel abroad must first obtain a "global" exit visa valid for 1 to 5 years. Once the traveler has this document, travel abroad is not restricted further by law; however, the authorities occasionally limited foreign travel. For example, they delayed issuing "global" exit visas to some opposition activists in an effort to hinder their political activity abroad. The regime also delayed issuing passports to opposition politicians, sometimes for several months, in an effort to restrict their travel abroad for political activities.

The Government also used such restrictions to limit the travel of members of youth groups that are not considered to be proregime. On October 10, Siarhiej Zaleuski, a member of the Belarusian Students Association (BSA) received a communication from the Embassy of Cuba apologizing for canceling an invitation to participate in a congress on relations between the authorities and student self-government. When the Cuban Embassy began the to prepare the documents, the Ministry of Justice recommended that Cuba invite the representatives of the proregime Belarusian Patriotic Youth Union instead. In autumn 2000, the authorities refused to grant permission to a painter, Ales Pushkin, who had earlier been convicted of malicious hooliganism because of a 1999 protest-performance critical of Lukashenka, to travel to Poland to exhibit his works.

According to official data, the State did not deny any citizen permission to emigrate; however, legislation restricting the emigration of individuals with access to "state secrets" remained in effect, and any citizen involved in a criminal investigation also was ineligible to emigrate. Prospective emigrants who have been refused the right to emigrate may appeal to the courts.

The 1994 and 1996 Constitutions give aliens and stateless persons the same rights as citizens, except in cases established by law, international agreement, or the Constitution. Under both Constitutions, the State may grant refugee status to persons who were persecuted in other states for their political and religious convictions or because of their nationality. There is no law on first asylum, nor has the regime signed readmission agreements with any of its neighboring states. The authorities cooperate with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The UNHCR reported that 169 applications were submitted for refugee status during the year; 219 applications were rejected at the registration stage. In July the Deputy Minister of Labor told journalists that 2,000 aliens had applied for refugee status since 1997 and 385 applications had been approved. Of the 385 applicants, 294 were from Afghanistan. The Ministry of Interior reported that illegal aliens in the country were estimated to number between 100,000 and 150,000 during the year.

The UNHCR noted in a July 2000 report that the Minsk city and Minsk regional migration services regularly refused to accept illegally arriving new refugee applicants and instructed such persons to apply with migration authorities in other regions. Regional migration services also continued to refuse applications for refugee status from those asylum seekers who came through countries considered to be safe (mainly Russia).

There were no reports of the forced return of persons to a country where they feared persecution; however, refugees often are persons from third world countries seeking to pass through Russia and then Belarus en route to other European countries. The Government often deported such individuals to Russia, despite the fact that the UNHCR does not consider Russia to be a safe country for such purposes.

Section 3 Respect for Political Rights: The Right of Citizens to Change their Government

The Lukashenka regime severely limits the rights of citizens to change their government. The President dominates all branches of government. Since his election in July 1994 to a 5-year term as the country's first President, he has consolidated power steadily in the executive branch. He used a November 1996 referendum to amend the 1994 Constitution in order to broaden his powers and extend his term in office. Lukashenka ignored the Constitutional Court's ruling that the Constitution could not be amended by referendum. As a result, the political system is based on the 1996 Constitution, which was adopted in an unconstitutional manner.

The 1996 Constitution limits the legislature to meeting twice a year for a total of no more than 170 days.

Presidential decrees issued when the legislature is out of session have the force of law, except--in theory--in a few cases specified in the 1996 Constitution. The 1996 Constitution also allows the President to issue decrees having the force of law in circumstances of "specific necessity and urgency," a provision that Lukashenka has interpreted broadly.

On September 9, a presidential election was held in which Lukashenka was reelected for a further term in a process that the OSCE described as fundamentally flawed. The OSCE/ODIHR observer mission (limited by the regime's refusal to allow the mission to travel to the country until 3 weeks before the election was held) noted in its final report that conditions in the months before the election precluded the possibility of a free, fair, transparent and accountable election. The environment did not provide an equal opportunity for contestants nor for the possibility for the public to be informed about the choices available. During the election campaign, coverage of politics, including the election, was very limited. Political coverage in both the electronic and print media was dominated by the President and executive branch.

The regime restricted freedoms and undermined human rights in the period prior to, during, and after the election (see Sections 1 and 2). In the period prior to the election, the regime led a sweeping crackdown on antiregime materials, campaign materials, and internationally-supported, nonpartisan, "Get Out the Vote" materials, in addition to beatings, arbitrary detentions, and searches of opposition members and supporters (see Sections 1.c., 1.d., and 1.f.). The regime also made use of its near-monopoly of the mass media to undermine all opposition candidates, particularly Vladimir Goncharik, who was regarded as the most credible opposition candidate. The OSCE/ODIHR Limited Election Observation Mission documented 26 separate incidents of human rights violations involving freedom of the press and expression (see Section 2.a.). On September 5, just 4 days before the election, the major state-owned newspaper doubled its print run to print the election platform of the incumbent, in direct contradiction of Central Election Commission (CEC) regulations. The regime-appointed CEC took no effective action. The head of the CEC stated publicly that it would be a "personal tragedy" for her if the incumbent lost. The OSCE/ODIHR found the broadcast media also overwhelmingly negative. Of the overall media time devoted to the election, Lukashenka clearly was favored, receiving nearly 70 percent of the time allocated; all of the coverage of Lukashenka was "overwhelmingly positive." Goncharik was given 20 percent of the media coverage but was portrayed in an "overwhelmingly negative" fashion. The regime used its monopoly of access to the Internet to deny access within the country to opposition Web sites on the morning of the Presidential election (see Section 2.a).

The regime allowed the presence of election observers but severely restricted their rights in practice. Electoral precincts throughout the country undermined the legal right of observers to observe the election counts by imposing the requirement that they stand several yards from the ballot counting. There were two main groups of domestic election observers: An independent group from NGO's working under the umbrella title of "Civic Initiative--Independent Observation," that included many of the country's most prominent human rights NGO's; and a proregime group of domestic observers led by the Belarusian Patriotic Youth Union (BPSM). In the months leading up to the election, the independent domestic observation effort was under constant attack, both physically by unknown assailants believed to be connected to the police, and in the media. Lukashenka repeatedly criticized the organization as a mechanism for recruiting spies and for training revolutionaries. During the period of "early voting," from September 4 to 8, domestic observers reportedly were expelled from, never admitted to, or denied access to information about, the polling process. One day prior to the election, on September 8, the CEC cancelled the accreditation of approximately 3,000 observers. Despite strong regime opposition, independent domestic observers attempted to organize a parallel vote tabulation in order to increase the transparency of the vote. However, due to complete lack of transparency at the lowest precinct level, the conditions for an effective parallel vote tabulation were not met.

The voting and vote-counting processes further restricted the rights of citizens to change their Government. The OSCE/ODIHR report found that the voting procedures, including mobile ballot boxes, early voting procedures, and handling of voting lists, provided several possible avenues for vote manipulation. However, most of the irregularities were not immediately apparent, creating the false image of an orderly polling station. As the OSCE/ODIHR noted, "The majority of those who voted could vote in an orderly fashion...however, the pattern of incidents that occurred in early voting continued on election day, obstructing monitoring and observation efforts, and calling into question the integrity of the voting process." OSCE/ODIHR noted widespread violations including presigned ballot papers, group voting, and the influence of unauthorized persons (such as police) assisting or directing the work of the polling station.

The OSCE/ODIHR also observed that the Electoral Code did not allow a transparent audit by election observers, which raised questions about the overall integrity of the process. This was a particular concern in light of the total domination of voting commissions, which were charged with conducting the election, by regime supporters. Despite considerable international attention to the composition of these commissions, and recommendations by international organizations for needed changes before the election, the regime took no action to attempt to address this flaw. Many flaws also were noted in the counting process. The OSCE/ODIHR reported that unused ballot papers were not disposed of properly; ballots from early voting, mobile voting, and

regular voting were mixed together in direct contradiction of the electoral code. Polling station observers were not allowed to observe the counting process. The independent domestic observers reported being kept at one end of the room in which a count would take place, and being read the results of the election at that station, without ever being allowed to see the marked ballots. In some cases, members of the precinct electoral commission themselves openly expressed disagreement with the final announced tally, suggesting that it did not reflect the count conducted; however, they were silenced rapidly. The physical speed with which some of the counts were conducted also was suspect, since those precincts with the largest geographic area and those with the highest turnout always were among the first to report results. For example, the OSCE noted that only 2 hours after the close of polling stations, Minsk Oblast, excluding the City of Minsk, had reportedly counted 70.7 percent of all ballots, whereas Minsk City had at that point counted only 6.56 percent.

A large difference between results of pre-election polls and the official tally also suggested widespread manipulation of the totals. All independent polls in the days prior to the election indicated that the race between Lukashenka and Goncharik would be very close; one reputable polling organization showed Lukashenka leading with 46 percent of the vote to Goncharik's 40 percent. The disparity between these polls and the official results, which gave Lukashenka 75 percent of the vote and Goncharik 15 percent, suggest widespread manipulation of the totals.

The October 2000 parliamentary elections also failed to meet international standards for democratic elections. The regime severely restricted public participation on the electoral commissions. Candidate registration procedures were abused systematically to prevent candidates opposed to the regime from getting on the ballot. Campaign activities were regulated excessively and heavily biased state-controlled media severely limited candidates' access to the media and the voters' choice of candidates. During the elections, provisions for early voting, mobile ballot boxes, vote counting, and the aggregation of results fell far short of minimum transparency requirements for independent verification. Voter turnout in many constituencies fell below the required 50 percent threshold, but electoral authorities falsified and amended voter lists to raise turnout to the required minimum. Numerous rallies and boycotts were held throughout the campaign; some were peaceful, and others were disrupted by the authorities. During the election campaign, coverage of politics, including the election, was very limited. Political coverage in both the electronic and print media was dominated by the President and executive branch.

In 1999 legislative amendments to the 1996 Referendum Law, which the OSCE AMG declared were not in accordance with international standards, came into force. The amended law provided that referendums could be initiated by the President, the National Assembly, or 450,000 signatories of a petition—including a minimum of 30,000 in the City of Minsk and in each of the country's 6 oblasts. It also gave the President the prerogative to decide on the validity of referendum results.

The percentage of women in government and politics does not correspond to their percentage of the population, although there are no legal restrictions on their participation. With the exception of the judiciary, social barriers to women are strong, and men hold virtually all of the leadership positions. The Minister of Social Security is the only female member of the Council of Ministers. The head of the regime's Central Election Commission also is a woman.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights.

Several domestic human rights groups were active in the country; however, members of domestic human rights groups reported that the authorities hindered their attempts to investigate alleged human rights violations. The authorities monitored NGO correspondence and telephone conversations (see Section 1.f.). They also attempted to limit the activities of NGO's through a time consuming reregistration process and by rejecting their registration applications, conducting questionable tax audits, confiscating their equipment, denying them access to foreign support, and other means (see Section 2.b.).

There were widespread robberies of offices of several media outlets and NGO's, which were independently investigating the disappearances of prominent individuals associated with the opposition. In all cases, computers were smashed, but not stolen; only hard drives or floppy disks were removed, and nothing else of value was taken. Most human rights observers believed that these robberies were perpetrated by members of the security services. For example, on March 28-29, unidentified burglars broke into the headquarters of the Belarusian Helsinki Committee. The thieves stole a computer database containing election monitoring and human rights records from the past 5 years. It was the third such "burglary" of the Committee's office in the last 4 years. None of the crimes have been solved. On May 29, the offices of the Human Rights Center, headed by human rights lawyer Vera Stremkovskaya were burglarized, and files of human rights violations were stolen. There were no reports that the authorities made credible efforts to investigate these incidents.

On March 15, the regime published a decree "on improving the system of receipt and use of humanitarian assistance." This decree specifically forbids "activities directed at altering the constitutional order, overthrowing state power or encouraging such activities . . . preparing, administering, and organizing elections, referenda, organizing meetings, rallies, demonstrations, pickets, strikes, publishing and distributing promotional materials, organizing seminars and other types of promotional activities involving the population." The decree was interpreted by the tax authorities as the basis for a government-wide crackdown on independent NGO's, many of which receive funding from foreign sources. In the period prior to the presidential election, tax authorities and other security entities purporting to be tax authorities raided NGO's with impunity under the authority of this decree. The raids focused particularly on those organizations that sought to research the fate of regime opponents who had disappeared or on those who sought to make facts about the disappearances public. There was a credible report that the heads of the MVD, the KGB, and the tax police issued a joint communiqué in the weeks before the election instructing their organizations to raid and close election-related NGO's.

As the election approached, seizures of NGO property by representatives of the regime increased; often these seizures were carried out with little or no legal basis. In one attempt in August to seize computer equipment from the Independent Domestic Observer Network, a human rights lawyer was able to argue successfully that the authorities did not know on what grounds they were seizing the equipment. The exchange took place in front of television cameras; the authorities left without seizing anything, only to return several days later to destroy the equipment.

The country's poor human rights record continued to draw the attention of many international human rights organizations. In general the authorities have been willing to discuss human rights with international NGO's whose members have been allowed to visit the country; however, members of some NGO's have been refused permission to make such visits, and the authorities have increased their harassment of international NGO's working in the country. One way in which the authorities regularly harassed NGO's was through taxes. Tax authorities seized the Belarus-Soros Foundation's Magic Printing Press (see Section 2.a.).

In 1998 after protracted negotiations, the authorities approved the opening in Minsk of an office of the OSCE AMG. However, the Government subsequently has threatened to shut down the office and refused to admit its new Chief of Mission into the country.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status.

Both the 1994 and 1996 Constitutions state that all citizens are equal before the law and have the right to equal protection of their rights and legitimate interests; however, they do not prohibit specifically discrimination based on factors such as race, sex, or religion. Women, persons with disabilities, and minority religious groups experienced discrimination.

Women

Although statistics were not available, women's groups report that domestic violence, including spousal abuse against women, was a significant problem. Spousal abuse is punishable under the Criminal and Administrative Codes; nonsevere beating is punishable by a fine or up to 15 days imprisonment and more serious offenses are punishable by up to 15 years in jail. Women's groups have indicated that police generally enforce the laws against domestic violence, and that the courts generally impose these sentences. The primary problem remained a general reluctance among women to report instances of domestic violence due to fear of reprisal and the social stigma. Rape was a problem. A law against rape exists; however, most women do not report rape due to shame or fear that the police will blame the victim.

Although the authorities and local human rights observers reported that prostitution was not yet a significant problem inside the country, there was much anecdotal evidence that it was growing. Street prostitution appeared to be growing as the economy deteriorated, and prostitution rings operated in state-owned hotels. Trafficking in women was a serious growing problem (see Section 6.f.).

Sexual harassment reportedly was widespread, but no specific laws deal with the problem other than laws against physical assault.

The law requires equal wages for equal work; however, it was not obeyed always in practice. Women have significantly fewer opportunities for advancement to the upper ranks of management. Women report that managers frequently take into consideration whether a woman has children when considering potential job candidates. At a roundtable in April 2000 on "The Problem of the Trade in Women in Belarus," it was reported that the average length of unemployment for women was more than 18 months, versus 5 months for men. In 1999 the regime reported that approximately 64 percent of those considered to be long-term unemployed were

single mothers.

The level of education of women is higher than that of men. Women make up approximately 58 percent of workers with a higher education and approximately 66 percent of workers with a specialized secondary education. Of employees with higher or specialized secondary education between two-thirds and three-fourths (mostly women) live beneath the official poverty level. Women legally are equal to men with regard to property ownership and inheritance.

Women's groups were active; most focus on problems such as child welfare, environmental concerns (especially the aftereffects of Chernobyl), and the preservation of the family. There was an active women's political party. A private university in Minsk established the country's first gender studies faculty in 1997.

Children

The authorities are committed to children's welfare and health, particularly to overcoming the consequences of the nuclear accident at Chernobyl, and, with the help of foreign donors, they have tried to give children special attention. By law everyone is entitled to health care, including children. There does not appear to be any difference in the treatment of girls and boys in the provision of either health care or education. Children begin school at the age of 6 and are required to complete 9 years, although the authorities make 11 years of education available at no cost and began to develop a 12-year education program. Higher education also is available at no cost on a competitive basis. Families with children continued to receive token government benefits, such as discounted transportation. According to a 1999 World Bank study, the majority of those living in poverty were families with multiple children or single mothers.

As part of the Lukashenka regime's efforts to promote a union with Russia and to reduce the influence of opposition movements, the authorities continued to discourage the promotion of, or the teaching of, students in the Belarusian language by limiting the availability of early childhood education in Belarusian. In its June 2000 report, the Belarusian Helsinki Committee reported that only 30 percent of students in primary schools were instructed in Belarusian. In Minsk only 11 of the 242 middle schools taught in the Belarusian language. In other regional cities, the numbers were significantly lower. The authorities continued to claim that the only schools that have been closed that taught in the Belarusian language were those that experienced diminishing enrollment; however, observers doubted this claim.

There does not appear to be a societal pattern of abuse of children; however, trafficking in girls was a problem (see Section 6.f.).

Persons with Disabilities

Discrimination against persons with disabilities in the provision of employment, education, and other state services is a problem, as is social discrimination. A 1992 law mandates accessibility to transport, residences, businesses, and offices for persons with disabilities; however, facilities, including transport and office buildings, often were not accessible to persons with disabilities. The country's continued difficult financial condition makes it especially difficult for local governments to budget sufficient funds to implement the 1992 law. The central authorities continued to provide some minimal subsidies to persons with disabilities. However, continued high inflation and the sharp decline in the value of the ruble greatly reduced the real worth of those limited subsidies.

Evidence indicates that funding for persons with disabilities was not a priority for the Lukashenka regime. According to "Narodnaya Volya," an independent newspaper, the budget provision for the year for persons with disabilities was \$71 (114,958 rubles), compared to approximately \$875 (1.4 million rubles) for the Belarusian Patriotic Youth Union, a proregime patriotic organization.

Religious Minorities

Societal anti-Semitism persisted and sentiment critical of minority faiths increased. Some instances of vandalism appeared to be related to anti-Semitism. In December 2000 a Minsk synagogue was firebombed (see Section 2.c.). Action by the authorities has been noticeably lacking in redressing instances of earlier anti-Semitic vandalism. According to the Anti-Defamation League and the World Jewish Congress, a number of small, ultranationalist organizations operate on the fringes of society, and a number of newspapers regularly print anti-Semitic material. Anti-Semitic material from Russia also circulates widely. For example, the anti-Semitic newspaper *Slavianskaia Gazeta*, although distributed locally, reportedly was published in Moscow.

There were constant attacks on Protestant groups during the year.

The clergy of the Russian Orthodox Church continued publicly to insist on the identification of the country with Orthodoxy and to call for greater protection for the Russian Orthodox Church by the State. For example, in a public meeting with members of the Parliament's human rights committee in May the Russian Orthodox Archbishop of Mogilev and Mstislavl Maksim publicly called for a new law on religion that would protect the "dominant" status of the Russian Orthodox Church in the country, introduce religious education in secondary schools, and ban the spread of "non-traditional" denominations. Valery Lipkin, chairman of the committee, asserted the new law would ban the spread of "destructive sects" in the country. In a May speech to the All Belarusian People's Congress, Minsk Patriarchial Exarch Filaret called for the authorities to cooperate with the Russian Orthodox Church to protect the "spiritual security" of the people, and to limit the presence of "destructive and pseudo-Christian societies that destroy the spiritual, social, and cultural unity of the people."

National/Racial/Ethnic Minorities

The law grants citizenship to any person living permanently on the territory of the country as of October 19, 1991. Those who arrived after that date and wish to become citizens are required to submit an application for citizenship, take an oath to support the Constitution, have a legal source of income, and have lived in the country for 7 years. Legally the Russian and Belarusian languages share equal status; however, the regime at times harassed those that used Belarusian language in practice. In October 2000, two women were arrested for speaking Belarusian. Police claimed that they looked very suspicious because they spoke the Belarusian language to each other.

Section 6 Worker Rights

a. The Right of Association

The Constitution upholds the right of workers, except state security and military personnel, to form and join independent unions on a voluntary basis and to carry out actions in defense of worker rights; however, these rights are not respected in practice. The authorities have taken numerous measures to suppress independent trade unions. Members of independent trade unions were arrested for distributing union literature, had union material confiscated, were denied access to work sites, were subjected to excessive fines, and were pressured by their managers and state security services to resign from their jobs because of trade union activities.

In 1999 Lukashenka signed a decree "On certain Measures to Improve the Activities of Political Parties, Trade Unions, and Other Public Associations Activities," which requires trade unions to have a minimum of 10 percent of the workers of an enterprise in order to form and register a local union. The decree also obliged existing registered unions to reregister and meet the new requirements. Free trade union leaders reported that this decree has had the effect of making registration, and therefore union activities, nearly impossible in many of the larger state-owned enterprises. Some local unions have been denied registration under this decree.

The Belarusian Free Trade Union (BFTU) was established in 1991 and registered in 1992; however, following a 1995 Minsk metro workers strike, the President suspended its activities. The BFTU's local unions were denied registration by local authorities in many towns, including Bobruisk, Grodno, Mogilev, and Orsha, and in numerous instances union activists and members were fired because of their union activities. In 1996 BFTU leaders formed a new umbrella organization, the Belarusian Congress of Democratic Trade Unions (BCDTU), which encompasses four leading independent trade unions and is reported to have approximately 15,000 members.

The authorities continued to discourage employees at state-run enterprises from joining independent trade unions. The Official Federation of Trade Unions of Belarus (FTUB), formerly the Belarusian branch of the Soviet Union's All-Union Central Council of Trade Unions, consists of approximately 4.5 million workers (including retirees) and is by far the largest trade union organization. According to official union federation figures, 92 percent of the workforce is unionized. Although wary in the past of challenging the regime seriously, some FTUB leaders have become increasingly vocal in their criticism of the policies of the Lukashenka regime. In retaliation the regime has threatened and harassed some FTUB officials.

In September 2000, FTUB members reportedly were pressured by the management of Dzerzhinsky, a subsidiary of the state-owned electronics manufacturer Integral, to break with their union and join a management-established and -run union. The FTUB reported that union members at other Integral plants similarly had been threatened. Under reported pressure from management and authorities of the regime, employees at Tsvetotron, a state electrical equipment factory, voted in 2000 to quit the union of electrical workers, a member of the FTUB.

Since September the Government has failed to transfer approximately \$2 million (5 billion rubles) in back union

dues collected from workers by state-owned enterprises to the FTUB. On December 14, the Belarusian Council of Ministers banned the withholding from salaries of trade union dues by state enterprises, a move that leaves unions in a state of financial crisis. These steps widely were believed to be designed to pressure the FTUB into removing its chairman, Vladimir Goncharik, at its December 6 plenary session. Goncharik was Lukashenka's primary opponent in the September 9 election. In December members of the FTUB presidium decided to end their support for Goncharik in an attempt to resolve the crisis. Facing the prospect of loss of funds and property by the FTUB, and having lost his support within the presidium, Goncharik resigned on December 28.

During the year, members of the Independent Trade Union of Belarus faced continual pressure at their workplace to join state unions or lose their jobs. Typically members of the Union smuggled copies of Rabochi, a newspaper about labor issues, into their workplace under their clothing. In December 2000, police detained seven members of the Independent Trade Union of Steel Workers and confiscated 3,000 copies of Rabochi outside the entrance to the Minsk Automobile Plant.

In July 2000, the Presidential Administration released a statement criticizing some union leaders for propagating what it called a groundless assertion that the regime violates unions' rights. The statement accused unions of engaging in "political activities...which cause direct damage to the labor movement and aggravate the socioeconomic problems of society." In a July 2000 speech at an agriculture conference, Lukashenka criticized the trade unions, the FTUB, and FTUB President Goncharik for a "lack of constructive activity" and blamed them for the loss of trade privileges with another country. On July 31, as part of the authorities' campaign of harassment of the FTUB, the Federation's bank accounts were frozen following an unexplained investigation of the union's records by the state committee for financial investigations. FTUB accounts were frozen again in September 2000 by tax authorities conducting an unspecified investigation. The accounts later were released. In an October 2000 speech to the FTUB Congress, Prime Minister Yermoshyn told trade union leaders to "stop agitating people and get to work" and accused the FTUB of engaging in politics rather than focusing on the needs of workers.

The Constitution provides for the right to strike; however, tight control by the Lukashenka regime over public demonstrations makes it difficult for unions to strike or to hold public rallies to further their objectives (see Sections 1.d. and 2.b.). For example, a demonstration planned for November 2000, organized by workers of the Minsk Tractor Works and the Minsk Engine Works to protest low pay and wage arrears was banned. Other demonstrations similarly were banned. Union members at times undertook work stoppages, usually in response to late payment of wages.

On July 3, 2000, noting that the authorities failed to respect the rights of workers, suppressed trade union rights, harassed union leaders, and had not taken sufficient steps to conform to internationally recognized labor rights, a foreign government suspended the country's trade benefits.

Unions are free to affiliate with international bodies. At year's end, the BFTU was attempting to join the International Confederation of Free Trade Unions (ICFTU); the independent unions already were affiliated with ICFTU.

b. The Right to Organize and Bargain Collectively

Legislation dating from the Soviet era provides for the right to organize and bargain collectively; however, the authorities and state-owned enterprises have hindered the ability of workers to bargain collectively and, in some instances, arbitrarily suspended collective bargaining agreements (see Section 6.a.). Provisions of a 1999 presidential decree intended to place all workers on individual rather than collective contracts were criticized heavily by both independent and official union leaders, who believe that they were designed principally to enable the Presidential Administration to increase its control over the labor sector. These provisions had not been implemented by year's end. In February 2000, the management of the Mogilev Automobile Factory (MAZ) unilaterally suspended its collective bargaining agreement with the local union of the BFTU, evicted the organization from its office, and confiscated office equipment.

Several BFTU activists were dismissed by MAZ management in connection with their union activities. Since the economy remained largely in the hands of the State, unions usually sought political redress for economic problems. Workers and independent unions have recourse to the court system.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced labor except in cases when the work or service to be performed is fixed by a court's decision or in accordance with the law on states of emergency or martial law; however, there were some reports of forced labor. For example, in July 2000, town authorities in Ivatsevichy, in the Brest region, sent letters to local industrial enterprises and state institutions ordering them to increase the "voluntary" participation of their employees in the harvesting of livestock fodder by 20 percent. Workers who refused to "volunteer" for the harvest were ordered to pay a fine of \$5 (5,000 rubles) or approximately 15 percent of their average monthly salary. The order had the effect of forcing local individuals to work in the fodder harvest. Students also were forced to participate in potato harvesting activities.

The constitutional provision prohibiting forced or bonded labor applies to all citizens, although its application to children is not specified; trafficking in girls was a problem (see Section 6.f.). With the possible exception of juvenile prisoners, other forms of forced and bonded labor by children are not known to occur.

d. Status of Child Labor Practices and Minimum Age for Employment

The law establishes 16 as the minimum age for employment. With the written consent of one parent (or legal guardian), a 14-year-old child may conclude a labor contract. The Prosecutor General's office reportedly enforces this law effectively.

The constitutional provision prohibiting forced or bonded labor applies to all citizens, although its application to children is not specified; trafficking in girls was a problem (see Section 6.f.).

e. Acceptable Conditions of Work

The minimum wage was \$3 (3,600 rubles) a month, which does not provide a decent standard of living for a worker and a family. Average real wages improved during the year from approximately \$40 (48,000 rubles) to \$60 (72,000 rubles) a month. During the Presidential campaign, President Lukashenka decreed that average wages would be increased from approximately \$65 (78,000 rubles) to \$100 (120,000 rubles) a month. Authorities reported that average wages were just more than \$106 (127,200 rubles) a month at year's end, although independent analysts reported the figure was lower. According to the International Monetary Fund (IMF), the wage increase was accomplished by accumulating arrears to suppliers and by other unsustainable means. Agricultural workers are paid approximately 39 percent less than the average monthly wage. The country's continuing economic problems made it difficult for the average worker to earn a decent living. Major wage arrears continued to grow, especially in the agricultural sector. The Constitution and Labor Code set a limit of 40 hours of work per week and provide for at least one 24-hour rest period per week. Because of the country's difficult economic situation, an increasing number of workers found themselves working considerably less than 40 hours per week. Reportedly factories often required workers to take unpaid furloughs caused by shortages of raw materials and energy and a lack of demand for factory output.

The law establishes minimum conditions for workplace safety and worker health; however, these standards often are ignored. Workers at many heavy machinery plants do not wear even minimal safety gear, such as gloves, hard hats, or welding glasses. A State Labor Inspectorate exists but does not have the authority to enforce compliance, and violations often were ignored. According to the Labor and Social Security Ministry, during the year 239 workers died and 675 were injured in workplace accidents. The high accident rate is due to a lack of protective clothing, shoes, equipment, nonobservance of temperature regulations, the use of outdated machinery, and inebriation on the job. There is no provision in the law that allows workers to remove themselves from dangerous work situations without risking loss of their jobs.

In January 2000, Lukashenka issued a new decree, despite the protests of independent trade unions, lowering the level of disability allowances paid by the State or state enterprises for result of workplace injuries. Under the decree, industrial injury suits also are to be covered by the Civil Code, rather than the Labor Code. Independent union leaders believe workplace injuries should be reviewed under the Labor Code, under which compensation is more generous.

The Labor Code accords foreign workers the same protections as citizens.

f. Trafficking In Persons

The law prohibits trafficking in persons; however, trafficking in persons is a serious and growing problem. There were no reports of official involvement in trafficking; however, observers believe that given the extensive corruption that exists within the police and other agencies of the regime, such involvement is likely.

The country is both a country of origin and a country of transit for women and girls being trafficked to Central

and Western Europe for purposes of prostitution and sexual exploitation. The authorities have not released any statistics; however, according to country NGO's, several thousand Belarusian women have fallen victim to trafficking. Information from the Netherlands, Lithuania, and Bosnia, refer to Belarus as a country of origin for women being trafficked to or through their countries. Women from Russia, Ukraine and Lithuania are trafficked through Belarus to countries in Europe, primarily Germany and Poland. Other anecdotal evidence suggests that the Russian Mafia is active in trafficking young women to Cyprus, Greece, Israel, and Western Europe. The Ministry of Internal Affairs acknowledges that Russian criminal organizations actively may try to recruit and lure women into serving as prostitutes in Western Europe and the Middle East. Traffickers, who are associated with organized crime and drug trafficking, entice their victims through advertisements for lucrative jobs in newspapers and on the Internet.

On January 1, Article 181 of the new Criminal Code for Belarus entered into effect. It penalizes trafficking in persons for the purpose of sexual or other kinds of exploitation. The Criminal Code also criminalizes the hiring of individuals in order to exploit them sexually or otherwise. The penalty for trafficking is between 5 and 7 years imprisonment. A criminal case against a trafficker was opened in the region of Grodno, in which a man was charged with trafficking at least 35 women from Belarus to Poland over a period of 2 years. There were convictions in 12 of the cases. When the case was first tried in October 2000, the accused received a 4 year sentence for pandering but the Grodno Regional Court dismissed the verdict and ordered a new investigation in order for the defendant to be charged under the new Criminal Code. However, the prosecution again charged the man with drug dealing and pandering.

The authorities have begun to recognize and address the problem of trafficking in persons. In 1999 a Board of Morals and Illegal Distribution of Drugs was created by the Ministry of the Interior, but the Board has not been effective. The Ministry of Interior and the Ministry of Social Welfare are involved in antitrafficking efforts. In partnership with the U.N. Development Program (UNDP), the Ministry of Social Welfare established the Gender Information and Policy Center (GIPC), which also deals with this problem.

Women seldom report incidences of trafficking to police because of a generally negative public opinion about law enforcement authorities, shortcomings in legislation on the subject, and the insufficient protection of victims and witnesses. Victims generally are detained until the investigation identifies them as victims. Victims can be prosecuted for violations of other laws. No information is available on state or nongovernmental initiatives to help victims return to their countries. Crisis centers established by some NGO's do provide psychological assistance to victims of violence. However, such centers do not include specialists in dealing with victims of trafficking.

In April 2000, the Ministry of the Interior held a seminar in cooperation with NGO's, in which NGO's discussed programs devoted to warning the public about the problem. The Belarus Young Christians Women Association (BYCWO) conducts a program inform women of the risks associated with employment abroad and the minimization of possible dangers. The BYCWO also established an information telephone line for women traveling abroad for reasons other than tourism. BYCWO receives more than 100 inquiries a month.